

FORM 26. Docketing Statement

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July 2020

**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**

DOCKETING STATEMENT

Case Number: 2023-1501

Short Case Caption: Apple Inc. v. Gesture Technology Partners, LLC

Filing Party/Entity: Apple Inc.

Instructions: Complete each section or check the box if a section is intentionally blank or not applicable. Attach additional pages as needed. Refer to the court's Mediation Guidelines for filing requirements. An amended docketing statement is required for each new appeal or cross-appeal consolidated after first filing.

Case Origin	Originating Number	Type of Case
Patent Trial & Appeal Board	IPR2021-00921, IPR2022-00092, IPR2022-00362	Inter Partes Review

Relief sought on appeal: ☐ None/Not Applicable

Reversal of the Board's decision that Apple failed to show that claims 4, 11, and 18 of U.S. Patent No. 8,878,949 are unpatentable.

Relief awarded below (if damages, specify): ☐ None/Not Applicable

Decision that claims 1-3, 5-10, and 12-17 of U.S. Patent No. 8,878,949 were unpatentable.

Briefly describe the judgment/order appealed from:

In the Final Written Decision, the Patent Trial & Appeal Board determined that claims 1-3, 5-10, 12-17 of U.S. Patent No. 8,878,949 were unpatentable as obvious in view of Numasaki and Nonaka, but that Apple failed to show that claims 4, 11, and 18 were unpatentable as obvious in view of Numasaki and Nonaka.

Nature of judgment (select one):

Date of judgment: 12/5/22

☒ Final Judgment, 28 USC § 1295

☐ Rule 54(b)

☐ Interlocutory Order (specify type) _____

☐ Other (explain) _____

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Name and docket number of any related cases pending before this court, and the name of the writing judge if an opinion was issued. ☒ None/Not Applicable

Issues to be raised on appeal: ☐ None/Not Applicable

Whether the Patent Trial & Appeal Board erred in determining that Apple failed to show that claims 4, 11, and 18 of U.S. Patent No. 8,878,949 were unpatentable as obvious in view of Numasaki and Nonaka.

Have there been discussions with other parties relating to settlement of this case?

☐ Yes ☒ No

If “yes,” when were the last such discussions?

- ☐ Before the case was filed below
☐ During the pendency of the case below
☐ Following the judgment/order appealed from

If “yes,” were the settlement discussions mediated? ☐ Yes ☐ No

If they were mediated, by whom?

Do you believe that this case may be amenable to mediation? ☐ Yes ☒ No

Explain.

Apple does not believe that a mediation would be successful in view of the inter partes review decisions and the parties' views on the matter

Provide any other information relevant to the inclusion of this case in the court's mediation program.

N/A

Date: 2/27/23

Signature: /s/ Adam P. Seitz

Name: Adam P. Seitz